

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE MARCH 28, 2006

AMENDED IN SENATE MARCH 14, 2006

SENATE BILL

No. 1227

Introduced by Senator Denham

(Coauthors: Senators Dutton, Simitian, Soto, and Torlakson)

(Coauthors: Assembly Members Cogdill, Matthews, and Salinas)

February 6, 2006

An act to ~~add Section 1463.27 to the Penal Code, and to amend Section 22352 of, to add Section 42012 to, and to repeal Section 22358.4 of, amend, repeal, and add Section 22352 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1227, as amended, Denham. Prima facie speed limits: schools: school zones.

~~(1) Existing law, in the case of specified driving violations occurring in a specially posted school zone, in Alameda County, Santa Barbara County, Ventura County, or in a city in those counties, doubles the fine in the case of misdemeanors, and increases the fine, as specified, in the case of infractions, if that county or city opts to apply this program. Existing law requires the enhanced portion of the fine to be deposited in a special account in the county treasury, to be used exclusively to pay for the cost of school pedestrian-bicyclist safety programs administered by a city or county that has opted to apply the program. Existing law authorizes Alameda County, Santa Barbara County, Ventura County, or a city in those counties, in collaboration with local school districts, to establish a school~~

~~pedestrian-bicyclist safety program and receive funds from that special account, if the funds are used to fund programs that enhance the safety of pupils traveling to and from school on foot or by bicycle. Existing law repeals these provisions on January 1, 2007.~~

~~This bill would enact “The Gonzalez-Martinez-Maloney School Safety Act” and would, in the case the specified driving violations occurring in a specially posted school zone, would require doubling of the fine in the case of misdemeanor, and increases in the fine, as specified, in the case of infractions in each city, county, and city and county, accept, if applicable, in those cities and counties, where the current school pedestrian-bicyclist safety programs are being administered. This bill would require the enhanced portion of the fine to be deposited in a special account in the county treasury, to be used exclusively to pay for the cost of enhanced school traffic safety programs in school zone administered by a city, county, or city and county. The bill would require the enhanced portion of the fine to be distributed to the local jurisdiction wherein the arrest occurred.~~

~~By increasing the duties of a county treasurer, the bill would impose a state-mandated local program.~~

~~(2)–~~

~~(1) Under existing law, a 25 miles per hour prima facie limit is established when approaching or passing a school building or school grounds on highways contiguous thereto if posted with a standard “SCHOOL” warning sign while children are going to or leaving the school either during school hours or during the noon recess period, and on when approaching or passing certain separated school grounds. Existing law, however, authorizes a city or county, upon the basis of an engineering and traffic survey that determines that the prima facie speed limit of 25 miles per hour established is more than is reasonable or safe, by ordinance or resolution, to determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is justified as the appropriate speed limit by that survey.~~

~~This bill would enact “The Gonzalez-Martinez-Maloney School Safety Act” and would, until January 1, 2010, establish a 15 mile per hour prima facie speed limit pilot program for the above-described school zones in Merced County and Monterey County. The bill would allow a county or city local authority within those counties, by ordinance or resolution, to determine and declare that the 15 miles per hour prima facie speed limit does not apply to a particular school building or school grounds and to notify the affected school district of~~

that determination. *The bill would provide that the 15 mile per hour prima facie speed limit applies to state highways near schools only upon the authorization of the Department of Transportation.*

Because this bill would ~~expand the scope of an existing~~ create a new crime, this bill would impose a state-mandated local program.

The bill would, until January 1, 2010, require local authorities in those 2 counties to report annually on July 1st of each year to the Department of California Highway Patrol on the collisions, citations, average vehicle speed, speed limits, and use of signs specified in (2) in each school zones within their jurisdiction. The bill would require the Department of California Highway Patrol, by January 1, 2009, to collate the submitted data and to report to the Legislature and Governor on the above specified data and to make recommendation on the continued use, expansion, or elimination of the 15 mile per hour prima facie speed limit near schools.

Because this bill would impose new duties on local authorities in Merced County and Monterey County, this bill would impose a state-mandated local program.

(2) The bill would authorize, until January 1, 2010, local authorities in the state to provide for the posting of temporary speed limits signs on roadways adjacent to school grounds that read “Children Are Present” and indicate the speed limit.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as
- 2 “The Gonzalez-Martinez-Maloney School Safety Act” to honor
- 3 the memories of Paola Gonzalez, Daisy Martinez, and “Officer

1 Jim” Maloney who were pedestrians killed by a motor vehicle
2 near schools.

3 *SEC. 2. Section 22352 of the Vehicle Code is amended to*
4 *read:*

5 22352. (a) The prima facie limits are as follows and shall be
6 applicable unless changed as authorized in this code and, if so
7 changed, only when signs have been erected giving notice
8 thereof:

9 (1) Fifteen miles per hour:

10 (A) When traversing a railway grade crossing, if during the
11 last 100 feet of the approach to the crossing the driver does not
12 have a clear and unobstructed view of the crossing and of any
13 traffic on the railway for a distance of 400 feet in both directions
14 along the railway. This subdivision does not apply in the case of
15 ~~any~~ a railway grade crossing where a human flagman is on duty
16 or a clearly visible electrical or mechanical railway crossing
17 signal device is installed but does not then indicate the immediate
18 approach of a railway train or car.

19 (B) When traversing ~~any~~ an intersection of highways if during
20 the last 100 feet of the driver’s approach to the intersection the
21 driver does not have a clear and unobstructed view of the
22 intersection and of any traffic upon all of the highways entering
23 the intersection for a distance of 100 feet along all those
24 highways, except at an intersection protected by stop signs or
25 yield right-of-way signs or controlled by official traffic control
26 signals.

27 (C) On ~~any~~ an alley.

28 (D) (i) *Except as provided in clauses (ii) and (iii), in Merced*
29 *County and Monterey Counties, when approaching or passing a*
30 *school building or school grounds contiguous to a highway and*
31 *posted with a standard “SCHOOL” warning sign, while children*
32 *are going to or leaving the school either during school hours or*
33 *during the noon recess period. The prima facie limit shall also*
34 *apply when approaching or passing any school grounds that are*
35 *not separated from the highway by a fence, gate, or other*
36 *physical barrier while the grounds are in use by children and the*
37 *highway is posted with a standard “SCHOOL” warning sign.*
38 *For purposes of this subparagraph, standard “SCHOOL”*
39 *warning signs may be placed at any distance up to 500 feet away*
40 *from school grounds.*

1 (ii) *This subparagraph shall apply to a state highway only*
2 *upon the authorization of the Department of Transportation.*

3 (iii) *A local authority in Merced County or Monterey County*
4 *may, by ordinance or resolution, determine and declare that the*
5 *15 miles per hour prima facie speed limit for a particular school*
6 *building or school ground is unsafe, in which case, clause (i)*
7 *does not apply to that school building or ground. The local*
8 *authority shall notify the affected school district of its decision*
9 *under this clause.*

10 (2) Twenty-five miles per hour:

11 (A) ~~On any~~ *a highway other than a state highway, in any a*
12 *business or residence district unless a different speed is*
13 *determined by local authority under procedures set forth in this*
14 *code.*

15 (B) ~~When~~ *Except for a school building or school grounds in*
16 *Merced County and Monterey County that is subject to*
17 *subparagraph (D) of paragraph (1), when approaching or*
18 *passing a school building or the school grounds thereof,*
19 *contiguous to a highway and posted with a standard "SCHOOL"*
20 *warning sign, while children are going to or leaving the school*
21 *either during school hours or during the noon recess period. The*
22 *prima facie limit shall also apply when approaching or passing*
23 *any school grounds which that are not separated from the*
24 *highway by a fence, gate, or other physical barrier while the*
25 *grounds are in use by children and the highway is posted with a*
26 *standard "SCHOOL" warning sign. For purposes of this*
27 *subparagraph, standard "SCHOOL" warning signs may be placed*
28 *at any distance up to 500 feet away from school grounds.*

29 (C) *When passing a senior center or other facility primarily*
30 *used by senior citizens, contiguous to a street other than a state*
31 *highway and posted with a standard "SENIOR" warning sign. A*
32 *local authority is not required to erect any a sign pursuant to this*
33 *paragraph until donations from private sources covering those*
34 *costs are received and the local agency makes a determination*
35 *that the proposed signing should be implemented. A local*
36 *authority may, however, utilize any other funds available to it to*
37 *pay for the erection of those signs.*

38 (b) ~~This section shall become operative on March 1, 2001. A~~
39 *local authority in Merced County or Monterey County shall*
40 *report annually on July 1 of each year to the Department of the*

1 California Highway Patrol for each of the school zones within
2 the local authority's jurisdiction on the collisions, citations,
3 average vehicle speeds, speed limit, and the use of temporary
4 signs pursuant to subdivision (d).

5 (c) Notwithstanding Section 7550.5 of the Government Code,
6 by January 1, 2009, the Department of the California Highway
7 Patrol shall collate the data submitted pursuant to subdivision
8 (b) and report to the Legislature and the Governor on the
9 collisions, citations, average vehicle speeds, and speed limits in
10 each of the school zones in those two counties, including those
11 with signs posted pursuant to subdivision (d), and a
12 recommendation as to the continued use, expansion, or
13 elimination of the 15 mile per hour prima facie speed limit near
14 schools based the effectiveness of that speed limit on at reducing
15 vehicle speeds and collisions.

16 (d) A local authority may provide for the posting of a
17 temporary speed limit sign in the roadway adjacent to school
18 grounds. The temporary sign shall read "Children Are Present"
19 and indicate the speed limit. The sign may be posted when
20 children are going to or leaving the school grounds either during
21 school hours, the noon recess period, or during school sponsored
22 after-school activities. The sign may also be posted when
23 children are present on school grounds that are not separated
24 from a highway by a fence, gate, or other physical barrier. For a
25 state highway, the local authority shall obtain the approval of the
26 Department of Transportation before posting the sign.

27 (e) This section shall remain in effect only until January 1,
28 2010, and as of that date is repealed, unless a later enacted
29 statute, that is enacted before January 1, 2010, deletes or extends
30 that date.

31 SEC. 3. Section 22352 is added to the Vehicle Code, to read:

32 22352. (a) The prima facie limits are as follows and shall be
33 applicable unless changed as authorized in this code and, if so
34 changed, only when signs have been erected giving notice
35 thereof:

36 (1) Fifteen miles per hour:

37 (A) When traversing a railway grade crossing, if during the
38 last 100 feet of the approach to the crossing the driver does not
39 have a clear and unobstructed view of the crossing and of traffic
40 on the railway for a distance of 400 feet in both directions along

1 *the railway. This subdivision does not apply in the case of a*
2 *railway grade crossing where a human flagman is on duty or a*
3 *clearly visible electrical or mechanical railway crossing signal*
4 *device is installed but does not then indicate the immediate*
5 *approach of a railway train or car.*

6 *(B) When traversing an intersection of highways if during the*
7 *last 100 feet of the driver's approach to the intersection the*
8 *driver does not have a clear and unobstructed view of the*
9 *intersection and of traffic upon all of the highways entering the*
10 *intersection for a distance of 100 feet along all those highways,*
11 *except at an intersection protected by stop signs or yield*
12 *right-of-way signs or controlled by official traffic control signals.*

13 *(C) On an alley.*

14 *(2) Twenty-five miles per hour:*

15 *(A) On a highway other than a state highway, in a business or*
16 *residence district unless a different speed is determined by local*
17 *authority under procedures set forth in this code.*

18 *(B) When approaching or passing a school building or the*
19 *school grounds contiguous to a highway and posted with a*
20 *standard "SCHOOL" warning sign, while children are going to*
21 *or leaving the school either during school hours or during the*
22 *noon recess period. The prima facie limit shall also apply when*
23 *approaching or passing school grounds that are not separated*
24 *from the highway by a fence, gate, or other physical barrier*
25 *while the grounds are in use by children and the highway is*
26 *posted with a standard "SCHOOL" warning sign. For purposes*
27 *of this subparagraph, standard "SCHOOL" warning signs may*
28 *be placed at any distance up to 500 feet away from school*
29 *grounds.*

30 *(C) When passing a senior center or other facility primarily*
31 *used by senior citizens, contiguous to a street other than a state*
32 *highway and posted with a standard "SENIOR" warning sign. A*
33 *local authority is not required to erect any sign pursuant to this*
34 *paragraph until donations from private sources covering those*
35 *costs are received and the local agency makes a determination*
36 *that the proposed signing should be implemented. A local*
37 *authority may, however, utilize any other funds available to it to*
38 *pay for the erection of those signs.*

39 *(b) This section shall become operative on January 1, 2010.*

40 ~~SEC. 2. Section 1463.27 is added to the Penal Code, to read:~~

1 ~~1463.27. (a) Notwithstanding Section 1463.001, out of~~
2 ~~moneys deposited with the county treasurer pursuant to Section~~
3 ~~1463.001, the enhanced portion of the fine imposed pursuant to~~
4 ~~Section 42012 of the Vehicle Code shall be deposited in a special~~
5 ~~account in the county treasury that shall be used exclusively to~~
6 ~~pay for the cost of enhanced traffic safety programs in school~~
7 ~~zones administered by a city or county. The enhanced portion of~~
8 ~~the fine shall be distributed to the city or county where the arrest~~
9 ~~occurred.~~

10 ~~(b) Funds obtained by a city or county from the source~~
11 ~~described in subdivision (a) are to supplement funds otherwise~~
12 ~~expended by that city or county for traffic safety programs in~~
13 ~~school zones and shall not be used to supplant an existing~~
14 ~~expenditure for traffic safety in school zones.~~

15 ~~(c) This section does not apply to a city or county if that city~~
16 ~~or county has adopted Section 42011 of the Vehicle Code.~~

17 ~~SEC. 3. Section 22352 of the Vehicle Code is amended to~~
18 ~~read:~~

19 ~~22352. The prima facie limits are as follows and shall be~~
20 ~~applicable unless changed as authorized in this code and, if so~~
21 ~~changed, only when signs have been erected giving notice~~
22 ~~thereof:~~

23 ~~(a) Fifteen miles per hour, as follows:~~

24 ~~(1) When traversing a railway grade crossing, if during the last~~
25 ~~100 feet of the approach to the crossing the driver does not have~~
26 ~~a clear and unobstructed view of the crossing and of any traffic~~
27 ~~on the railway for a distance of 400 feet in both directions along~~
28 ~~the railway. This subdivision does not apply in the case of any~~
29 ~~railway grade crossing where a human flagman is on duty or a~~
30 ~~clearly visible electrical or mechanical railway crossing signal~~
31 ~~device is installed but does not then indicate the immediate~~
32 ~~approach of a railway train or car.~~

33 ~~(2) When traversing any intersection of highways if during the~~
34 ~~last 100 feet of the driver's approach to the intersection the driver~~
35 ~~does not have a clear and unobstructed view of the intersection~~
36 ~~and of any traffic upon all of the highways entering the~~
37 ~~intersection for a distance of 100 feet along all those highways,~~
38 ~~except at an intersection protected by stop signs or yield~~
39 ~~right-of-way signs or controlled by official traffic control signals.~~

40 ~~(3) On any alley.~~

1 ~~(4) (A) When approaching or passing a school building or the~~
2 ~~grounds thereof, contiguous to a highway and posted with a~~
3 ~~standard “SCHOOL” warning sign, while children are going to~~
4 ~~or leaving the school either during school hours or during the~~
5 ~~noon recess period. The prima facie limit shall also apply when~~
6 ~~approaching or passing any school grounds which are not~~
7 ~~separated from the highway by a fence, gate, or other physical~~
8 ~~barrier while the grounds are in use by children and the highway~~
9 ~~is posted with a standard “SCHOOL” warning sign.~~

10 ~~(B) For purposes of subparagraph (A), standard “SCHOOL”~~
11 ~~warning signs may be placed at any distance up to 500 feet away~~
12 ~~from school grounds.~~

13 ~~(C) A local authority may, by ordinance or resolution,~~
14 ~~determine and declare that the 15 miles per hour prima facie~~
15 ~~speed limit for a particular school building or school ground is~~
16 ~~unsafe, in which case, subparagraph (A) does not apply to that~~
17 ~~school building or ground. The local authority shall notify the~~
18 ~~affected school district of its decision under this subparagraph.~~

19 ~~(b) Twenty-five miles per hour, as follows:~~

20 ~~(1) On any highway other than a state highway, in any~~
21 ~~business or residence district unless a different speed is~~
22 ~~determined by local authority under procedures set forth in this~~
23 ~~code.~~

24 ~~(2) When passing a senior center or other facility primarily~~
25 ~~used by senior citizens, contiguous to a street other than a state~~
26 ~~highway and posted with a standard “SENIOR” warning sign. A~~
27 ~~local authority is not required to erect any sign pursuant to this~~
28 ~~paragraph until donations from private sources covering those~~
29 ~~costs are received and the local agency makes a determination~~
30 ~~that the proposed signing should be implemented. A local~~
31 ~~authority may, however, utilize any other funds available to it to~~
32 ~~pay for the erection of those signs.~~

33 ~~SEC. 4. Section 22358.4 of the Vehicle Code is repealed.~~

34 ~~SEC. 5. Section 42012 is added to of the Vehicle Code, to~~
35 ~~read:~~

36 ~~42012. (a) For an offense specified in subdivision (b) that is~~
37 ~~committed by the driver of a vehicle under either of the following~~
38 ~~conditions, the fine in a misdemeanor case shall be double the~~
39 ~~base amount otherwise prescribed, not including any penalty~~
40 ~~assessments or other fees or additions, and in an infraction case,~~

1 the fine shall be one category higher than the penalty otherwise
2 prescribed by the uniform traffic penalty schedule established
3 pursuant to Section 40310, not including any penalty assessments
4 or other fees or additions:

5 (1) When passing a school building or the grounds thereof, if
6 the building or grounds are contiguous to a highway and posted
7 with a standard “SCHOOL” warning sign and an accompanying
8 sign notifying motorists that increased penalties apply for traffic
9 violations that are committed within that school zone, and
10 children are going to or leaving the school either during school
11 hours or during the noon recess period.

12 (2) When passing school grounds that are not separated from
13 the highway by a fence, gate, or other physical barrier while the
14 grounds are in use by children, and the highway is posted with a
15 standard “SCHOOL” warning sign and an accompanying sign
16 notifying motorists that increased penalties apply for traffic
17 violations that are committed within that school zone.

18 (b) A violation of the following provisions is an offense that is
19 subject to subdivision (a):

20 (1) Article 3 (commencing with Section 21450) of Chapter 2
21 of Division 11, relating to obedience to traffic devices.

22 (2) Chapter 3 (commencing with Section 21650) of Division
23 11, relating to driving, overtaking, and passing.

24 (3) Chapter 4 (commencing with Section 21800) of Division
25 11, relating to yielding the right-of-way.

26 (4) Chapter 6 (commencing with Section 22100) of Division
27 11, relating to turning and stopping and turn signals.

28 (5) Chapter 7 (commencing with Section 22348) of Division
29 11, relating to speed limits.

30 (6) Chapter 8 (commencing with Section 22450) of Division
31 11, relating to special traffic stops.

32 (7) Section 23103, relating to reckless driving.

33 (8) Section 23104, relating to reckless driving that results in
34 bodily injury to another.

35 (9) Section 23109, relating to speed contests.

36 (10) Section 23152, relating to driving under the influence of
37 alcohol or a controlled substance, or a violation of Section
38 23103, as specified in Section 23103.5, relating to alcohol-related
39 reckless driving.

1 ~~(11) Section 23153, relating to driving under the influence of~~
2 ~~alcohol or a controlled substance that results in bodily injury to~~
3 ~~another.~~

4 ~~(12) Section 23220, relating to drinking while driving.~~

5 ~~(13) Section 23221, relating to drinking in a motor vehicle~~
6 ~~while on the highway.~~

7 ~~(14) Section 23222, relating to driving while possessing~~
8 ~~marijuana or an open alcoholic beverage container.~~

9 ~~(15) Section 23223, relating to being in a vehicle on the~~
10 ~~highway while possessing an open alcoholic beverage container.~~

11 ~~(16) Section 23224, relating to being a driver or passenger~~
12 ~~under the age of 21 years possessing an open alcoholic beverage~~
13 ~~container.~~

14 ~~(17) Section 23225, relating to being the owner or driver of a~~
15 ~~vehicle in which there is an open alcoholic beverage container.~~

16 ~~(18) Section 23226, relating to being a passenger in a vehicle~~
17 ~~in which there is an open alcoholic beverage container.~~

18 ~~(e) This section does not apply to a city or county that adopts~~
19 ~~Section 42011.~~

20 ~~(d) An increased fine shall not be imposed if an increased fine~~
21 ~~is imposed pursuant to Section 42009 because the offense~~
22 ~~occurred within a highway construction or maintenance area.~~

23 ~~SEC. 6.~~

24 *SEC. 4.* No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution for
26 certain costs that may be incurred by a local agency or school
27 district because, in that regard, this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the
29 penalty for a crime or infraction, within the meaning of Section
30 17556 of the Government Code, or changes the definition of a
31 crime within the meaning of Section 6 of Article XIII B of the
32 California Constitution.

33 However, if the Commission on State Mandates determines
34 that this act contains other costs mandated by the state,
35 reimbursement to local agencies and school districts for those
36 costs shall be made pursuant to Part 7 (commencing with Section
37 17500) of Division 4 of Title 2 of the Government Code.